

University of Illinois Board of Trustees
Henry Administration Building
506 S Wright St # 352
Urbana, IL 61801

October 28, 2019

Dear Members of the Board of Trustees:

We, the undersigned members of the NPR Illinois Community Advisory Board, write to you today about an issue we know has come to your attention concerning a conflict between two critical priorities for the University – upholding the First Amendment and journalistic freedom, and protecting students and the University community from sexual misconduct in compliance with Title IX of the Education Amendments Act of 1972.

As you know, this matter arose following the August publication of NPR Illinois/ProPublica collaborative articles about the University's handling of sexual misconduct cases, including documentation that several of the University's professors had retained unblemished records even though they were found to have violated sexual misconduct policies. In the wake of these stories, NPR Illinois and ProPublica published a questionnaire asking other victims of sexual harassment at Illinois colleges and universities to share their experiences. As part of this outreach (on the NPR Illinois website), those coming forward were extended offers of confidentiality, a common practice for journalists dealing with people who may be traumatized.

Soon thereafter, the University of Illinois Springfield (where NPR Illinois is based) objected. The Title IX coordinator informed station leadership that university employees – referred to in policy as “responsible employees” – including journalists, are required to report alleged sexual misconduct they learn of to the Title IX office. NPR Illinois' leadership subsequently requested an exemption to the Title IX policy for journalists employed by the university engaged in newsgathering activities. That request was denied and, as you may know, an appeal for reconsideration was then submitted to President Timothy Killeen and Chancellor Susan Koch.

Together with the leadership of NPR Illinois, we strongly support the objective of Title IX policy to promptly address and fairly investigate claims of misconduct and discrimination. We also respect and fully support the University's obligation to uphold the Title IX process.

We also, however, defend with equal vigor the First Amendment and the freedom of the press it guarantees. Not being able to promise confidentiality when sources come forward with sensitive information clearly impedes the reporting process. Moreover, and significantly, it also makes it less likely that victims of misconduct – the vast majority of whom research informs us are fearful to report their experiences – will come forward so that their stories may be shared and the prevalence of such incidents may be better understood and addressed.

Thankfully, there is a solution available to the University to reconcile the conflicting priorities of press freedom and Title IX enforcement.

Current Title IX policy at the University of Illinois Springfield exempts Counseling Center employees from being mandated reporters. We believe it would be reasonable to extend this same

exemption to professional journalists—specifically, news reporters working with sources for stories—employed by the University of Illinois in the conduct of their newsgathering activities. We ask that the University’s leadership approve such an exemption. NPR Illinois staff members who are not reporters would not be exempt and, therefore, would continue to be subject to the Title IX policy.

Again, we appreciate the delicate nature of this matter and the University’s need to uphold and comply with the provisions of Title IX. But resolving the conflict between this obligation and freedom of the press need not be a binary choice. As NPR Illinois has suggested, by extending the above described exemption to professional journalists in its employ, the University of Illinois has an opportunity to be a leader in defending the First Amendment rights of university-affiliated news organizations while simultaneously maintaining a campus free of sexual harassment, misconduct and discrimination.

We thank you for your consideration and urge you to support this important and narrow exemption, which we believe respects both the First Amendment and the University’s need to uphold its Title IX enforcement obligations.

Sincerely,

Members of the NPR Illinois Community Advisory Board

Cindi Canary
John Carpenter
Bob Gallo
William Holland
Bethany Jaeger
Mario Jimenez
Lisbeth Leanos
David Kohn
Regina Kovach
Laurence Msall
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Megan Pressnall
David Racine
Kent Redfield
Charles Scholz
Richard Schuldt
George Van Dusen
Karen Witter
Corrine Wood

cc: Kelsea Gurski, Associate Chancellor for Public Affairs
Dedra Mooday Williams, Secretary of the Board and of the University
Thomas Hardy, Executive Director, Office for University Relations
Randy Eccles, General Manager, NPR Illinois
Sean Crawford, News Director, NPR Illinois